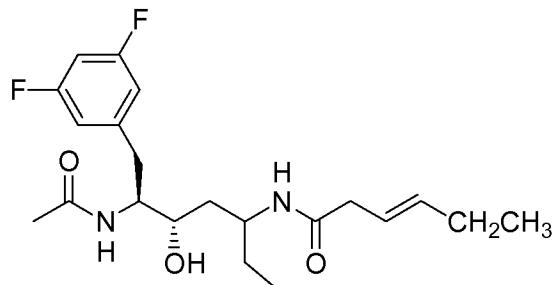


Group II, claim(s) 1-12 and 17-18, drawn to compounds, composition and method of use, when the compounds are heterocyclic.

Applicant notes that the claimed compounds should not be considered heterocyclic. They generally have a linear backbone with, in certain situations, cyclic groups (which may be heterocycles) appended to the backbone. Thus, some but not all of the claimed compounds have cyclic or heterocyclic portions. Further, the term "heterocyclic" is not used in the specification. The terms "heterocycle", "heterocycloalkyl" and "heterocyclyl" are used but are not necessarily coextensive with "heteroaryl." See the definitions on pages 79-81. Thus, the terms "non-heterocyclic" and "heterocyclic" as used in the Restriction are confusing. What groups are being referred to: R₁, R₆, both, or some other groups? Did the Examiner mean only heteroaryl groups as defined on pages 79-80, only heterocycles as defined on pages 80-81, or something else? When responding to the Restriction, Applicant has proceeded according to the understanding that the terms "non-heterocyclic" and "heterocyclic" only refer to the groups within the first paragraph of the R₆ definition, and not to groups within the other five paragraphs listed in that definition, and not to groups within other definitions, for example, the definition of R₁. Should Applicant have misunderstood the Restriction, clarification is respectfully requested and Applicants should be entitled to an opportunity for a further response/election.

Applicants further elect the species of Example 40, ("elected species"), which is listed on page 105 of the specification.

The elected species can be named as (3E)-N-[(3S,4S)-4-(acetylamino)-5-(3,5-difluorophenyl)-1-ethyl-3-hydroxypentyl]hex-3-enamide and can be represented by the following structural formula



The claims reading on the elected species are 1-12, 17, and 18.

Should the Examiner believe a discussion of this matter would be helpful, the Examiner is invited to telephone the undersigned at (312) 913-2136.

Respectfully submitted,

Dated: August 4, 2010

By: /Steven J. Sarussi/
Steven J. Sarussi
Reg. No. 32,784

Telephone: 312-913-0001
Facsimile: 312-913-0002

McDonnell Boehnen
Hulbert & Berghoff LLP
300 South Wacker Drive
Chicago, IL 60606